

**REMARKS**

Applicant appreciates the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 3-21 are pending in the application. Claims 1 and 2 have been cancelled without prejudice or disclaimer. Claim 3 has been rewritten in independent form including all limitations of base claim 1 and intervening claim 2. The other dependent claims have also been amended where appropriate to better define the claimed invention. New claim 21 has been added to provide Applicants with the scope of protection to which they are believed entitled. The amended/new claims find solid support in the original specification, e.g., page 16, lines 19-21. No new matter has been introduced through the foregoing amendments.

The new grounds of rejection are noted.

Applicants respectfully traverse at least the Examiner's anticipatory rejection of **claim 3** which has been rewritten in independent form. In particular, the *Jitoe* reference as applied by the Examiner does not fairly teach or disclose the claimed bonding sites at which the outer sheet and inner sheet of the chassis are joined together. In the Examiner's rejection of claim 3 at the paragraph bridging pages 3-4 of the Office Action, the *Jitoe* "joining sites" are between the core 4 and the outer sheet 3,<sup>1</sup> rather than between the inner sheet 2 and outer sheet 3<sup>2</sup> as presently claimed. Accordingly, *Jitoe* as applied by the Examiner does not anticipate claim 3.

Withdrawal of the rejection of claim 3 and the rejections of the respective dependent claims is now believed appropriate and therefore respectfully requested.

As to **claim 14**, Applicants are not persuaded that *Jitoe* as applied by the Examiner teaches or discloses the claimed feature that "said joining sites are distributed between every pair of adjacent said auxiliary elastic members and between the transversely opposite side edges of said absorbent structure." The Examiner is kindly requested to cite particular portions of *Jitoe* where the feature may be found.

---

<sup>1</sup> See Office Action at page 3, line 4 from bottom.

<sup>2</sup> See Office Action at page 3, lines 8-9 from bottom.

As to **claim 15**, the *Jitoe* joining sites 9 as applied by the Examiner are not “distributed at least in an area underlying said absorbent structure” as recited in claim 3 from which claim 15 depends.

As to **claim 16**, the claim has been amended to *structurally* define over the reference as applied by the Examiner. The claimed invention now clearly defines a plurality of joining sites that are distributed at least the area of the absorbent structure in the front and/or rear waist regions so as to be spaced one from another by a given space in the longitudinal direction between the middle portions of the auxiliary elastic members and to limit movement of the middle portions of the auxiliary elastic members in the longitudinal direction.

As to independent **claim 5** and **claim 11** Applicants respectfully traverse the Examiner’s obviousness rejection as lacking an adequate suggestion or motivation to combine the references. At the very least, the Examiner has failed to provide a clear articulation of the reason(s) why the claimed invention would have been obvious.<sup>3</sup>

As to **claim 12**, the Examiner’s reliance on the *Jitoe* disclosure of 3-20 mm is noted. The *Jitoe* dimension actually denotes the width, rather than the length of elastic members 21.<sup>4</sup> Therefore, the disclosed width of *Jitoe* does not render obvious the claimed length, notwithstanding the Examiner’s obviousness rationale and reliance on *KSR*.

As to **claim 21**, the applied references, e.g., *Jitoe*, do not fairly teach or suggest the claim feature that “some of the joining sites are disposed between a topmost one of the auxiliary elastic members and a longitudinal end of the absorbent structure in said at least one of said front and rear waist regions so as to prevent the middle portions of the topmost auxiliary elastic member from moving in the longitudinal direction beyond said longitudinal end of the absorbent structure; the topmost auxiliary elastic member being closest to the waist-hole among all said auxiliary elastic members.” An advantage of the claimed invention has been disclosed in the specification, at the sentence bridging pages 16-17. Note, for example, FIG. 1 of *Jitoe* where it is deemed disclosed that

<sup>3</sup> See *MPEP*, section 2141: “[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1396.

<sup>4</sup> See *Jitoe* at paragraph 0020 as well as column 4 lines 46-47 of US 6,595,976 which is the US equivalent of *Jitoe*.

the middle portions of topmost elastic member 21A may move (upward) beyond the longitudinal end of core 4, and hence, fail to support the longitudinal end of core 4.

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicant respectfully submits that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN HAM & BERNER, LLP**



Benjamin J. Hauptman  
Registration No. 29,310

Customer Number: 22429  
1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
Date: November 21, 2007  
BJH/KL/mps